

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1, 2, 4, 6-12, and 19 are pending in this case. Claims 1, 4, 6-8, 11, 12, and 19 are amended, and Claims 3, 5, 13-18, and 20 are canceled by the present amendment. The changes to Claims 1, 4, 6-8, 11, 12, and 19 incorporate the subject matter of original Claims 3 and 5 into Claims 1 and 19, correct informalities and dependencies. Thus, no new matter is added.

In the outstanding Office Action, the Specification was objected to; Claim 1 was objected to; Claim 2 was rejected under 35 U.S.C. § 112, first paragraph; Claims 2, 8, and 11 were rejected under 35 U.S.C. § 112, second paragraph; Claims 1-6, 10-14, and 18-20 were rejected under 35 U.S.C. § 103(a) as unpatentable over Morillon, et al. (U.S. Patent No. 6,522,027, herein “Morillon”) in view of Hillyard (U.S. Pub. No. 2003/0027526); and Claims 7-9 and 15-17 were rejected under 35 U.S.C. § 103(a) as unpatentable over Morillon in view of Hillyard, further in view of Tada (U.S. Pub. No. 2001/0019956).

The Abstract is amended to comply with the word count requirement and delete the use of “said.” In addition, the hyperlink is deleted. Consequently, Applicants respectfully request that the objection to the Specification be withdrawn.

In light of the amendment to Claim 1 reciting “an existence notice signal transmission unit,” Applicants respectfully request that the objection to Claim 1 be withdrawn.

The recitation of “multiplying a sum of said first and second time intervals by an average moving speed” in Claim 2 is described at least at page 12, lines 15-16, of the Specification, which describes a product of the sum of time interval #1 and time interval #2 and the representative speed. Thus, Applicants respectfully request that the rejection of Claim 2 under 35 U.S.C. § 112, first paragraph, be withdrawn.

With regard to Claim 2, “radio wave arrival ranges,” is depicted, for example, at Fig. 3, and described, for example, at page 11, line 32, to page 12, line 21. Also, the recitation of “said first and second time intervals” has an antecedent basis in Claim 1, which recites, “a first time interval” and “a second time interval.” Thus, Applicants respectfully request that the rejection of Claim 2 under 35 U.S.C. § 112, second paragraph, be withdrawn.

Claim 8 is amended to depend from Claim 7, which recites “an interval controller.” Thus, Applicants respectfully request that the rejection of Claim 8 under 35 U.S.C. § 112, second paragraph, be withdrawn.

Claim 11 is amended to address the assertion of indefiniteness. Thus, Applicants respectfully request that the rejection of Claim 11 under 35 U.S.C. § 112, second paragraph, be withdrawn.

The rejections of Claims 13-18 and 20 are moot in view of the cancelation of those claims.

Applicants respectfully traverse the rejections of the pending under 35 U.S.C. § 103, with the rejections of Claims 3 and 5 addressed with regard to Claims 1 and 19.

Amended Claim 1 recites “said operation apparatus comprises an **approach detector**”; and said **operation apparatus conducts said predetermined operation when said first authentication is successful**, said **control command reception unit receives said control command, and the approach detector detects that said portable information terminal has approached within said predetermined distance.**”

The combination of Morillon and Hillyard fails to teach or suggest at least the above-quoted features of amended Claim 1.

Morillon describes a hands-free access and/or engine starting system. At column 3, line 58, to column 4, line 59, Morillon describes that, when a user is detected through a contactor and authenticated, the user command is executed.

However, Morillon does not teach or suggest an approach detector “**configured to detect that said portable information terminal or a user thereof has approached within a predetermined distance**” and that the operation apparatus conducts the predetermined operation “**when said first authentication is successful, said control command reception unit receives said control command, and the approach detector detects that said portable information terminal has approached within said predetermined distance,**” as recited by amended Claim 1. Instead, in Morillon, when a command is received and a user is authenticated, the command is executed without additionally detecting a distance between the user and the car to determine if the distance is within a predetermined distance.

Hillyard does not cure the deficiencies of Morillon and, further, is not asserted for the features, quoted above, that are deficient in Morillon.

Thus, Applicants respectfully request that the rejection under 35 U.S.C. § 103(a) of Claim 1 and Claims 2, 4, 6, and 10-12, which depend therefrom, be withdrawn.

Amended Claim 19, though differing in scope and statutory class from Claim 1, patentably defines over the combination of Morillon and Hillyard for similar reasons as Claim 1. Thus, Applicants respectfully request that the rejection of Claim 19 under 35 U.S.C. § 103(a) be withdrawn.

Claims 7-9 depend from Claim 1 and, therefore, patentably define over the combination of Morillon and Hillyard for at least the same reasons as Claim 1. Further, Tada, which is additionally asserted against Claims 7-9, fails to cure the deficiencies of the combination of Morillon and Hillyard with regard to the features of amended Claim 1 that are discussed above and is not asserted for the features discussed above as deficient in the combination of Morillon and Hillyard. Thus, Applicants respectfully request that the rejection of Claims 7-9 under 35 U.S.C. § 103(a) be withdrawn.

Accordingly, the outstanding rejections are traversed and the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is, therefore, respectfully requested.

Respectfully submitted,

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